

REMARKS

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested. Claims 2-3, 10-11, and 18-19 have been canceled. Claims 1, 9-17, 25, and 28-31 have been amended. Claims 1, 4-9, 12-17, and 20-33 are currently pending in the application.

CLAIM REJECTION – 35 U.S.C. §101

In the Office Action, the Examiner rejected claims 1, 2, 4-18 and 20-33 under 35 U.S.C. §101 as being directed to non-statutory subject matter.

With regard to claims 1, 2, 4-10, 12-18 and 20-33, the Examiner contended that the claims fail to provide any results that have “real world” value. Without any admission as to the veracity of the Examiner’s rejection, but rather in the interest of advancing prosecution, Applicants have amended all of the independent claims (claims 1, 9, 17, 25, 28, and 31) to include a limitation (in various forms) that an indication of the overall execution progress value is caused to be displayed to a user. Applicant believes that this amendment addresses the Examiner’s concerns. Hence, Applicant requests that this rejection be withdrawn.

With regard to claims 9-16 and 28-30, the Examiner contended that the term “machine-readable medium” encompassed transmission media. Without any admission as to the veracity of the Examiner’s rejection, but rather in the interest of advancing prosecution, Applicants have amended claims 9-16 and 28-30 to replace each instance of “machine-readable medium” with “machine-readable storage medium”. Applicant believes that this amendment addresses the Examiner’s concerns. Hence, Applicant requests that this rejection be withdrawn.

CLAIM REJECTION – 35 U.S.C. §102

In the Office Action, the Examiner rejected claims 1-26, 28, 29, 31, and 32 under 35 U.S.C. §102(b) as being anticipated by Marks (U.S. Patent No. 6,097,390). Claim 2-3, 10-11, and 18-19 have been canceled. Independent claims 1, 9, 17, 25, 28, and 31 have been amended to clarify the subject matter that is being claimed.

Claim 1

Claim 1 has been amended to incorporate the limitations of claims 2 and 3, and as amended, now recites:

A machine-implemented method, comprising:
 monitoring execution progress of a parent task and one or more child tasks, wherein the one or more child tasks are spawned by the parent task and execute concurrently with the parent task, and wherein each of the child tasks is a separate task from the parent task;
determining an overall execution progress value for the parent task, wherein the overall execution progress value is determined based, at least partially, upon execution progress of the parent task and execution progress of at least one of the child tasks; and
 causing an indication of the overall execution progress value to be displayed to a user.
 (Emphasis added)

As amended, claim 1 provides an advantageous method for determining an overall execution progress value for a parent task. According to claim 1, the execution progress of a parent task and the execution progress of one or more child tasks are monitored. Each of the child tasks is spawned by the parent task and executes concurrently with the parent task. In addition, each of the child tasks is a separate task from the parent task. Based upon the execution progress of the parent task and the execution progress of at least one of the child tasks, the method of claim 1 determines an overall execution progress value for the parent task. Notice that the overall execution progress value for the parent task is determined not just based upon the execution progress of the parent task itself, but also based upon the execution progress of at least

one of the child tasks. Thus, even though a child task is a separate task from the parent task (i.e. the child task is not a part of the parent task), the execution progress of the child task is nonetheless taken into account and reflected in the overall execution progress value for the parent task. After the overall execution progress value for the parent task is determined, the method of claim 1 causes an indication of the overall execution progress value to be displayed to a user. By doing so, the method of claim 1 keeps the user apprised of the execution progress made by the parent task and its one or more child tasks.

Such a method is neither disclosed nor suggested by Marks. Instead, Marks simply discloses a method for indicating the execution progress of a single task. According to Marks, the execution progress of a task is monitored (Col. 3, lines 57-60). When the execution progress of the task reaches a certain percentage, e.g. 25%, a corresponding pointer icon is displayed to a user (Col. 3, lines 62-65). This pointer icon indicates that the execution progress of the task has reached 25%. When the execution progress of the task reaches another threshold, e.g. 50%, another pointer icon is displayed to the user (Col. 4, lines 13-14). This pointer icon indicates that the execution progress of the task has reached 50%. Additional pointer icons may be displayed to the user until execution of the task has completed. By doing so, Marks is able to keep the user apprised of the execution progress of the task.

Several distinguishing points should be noted with regard to Marks. First of all, it should be noted that, unlike claim 1, there is absolutely no mention in Marks of a parent task spawning a child task that executes concurrently with the parent task. There is also no mention of the child task being a separate task from the parent task. Overall, Marks is concerned with monitoring the execution progress of a single task and providing a progress indicator for that single task. Unlike the method of claim 1, Marks is not concerned with having a parent task spawn separate child tasks, and having those separate child tasks execute concurrently with the parent task. Because

Marks is concerned with a single task and not with parent and child tasks, there is absolutely nothing in Marks that discloses or suggests monitoring the execution progress of a parent task and a child task, wherein the child task is spawned by the parent task and is a separate task from the parent task. These aspects of claim 1 are clearly not disclosed or suggested by Marks.

Another point to note is that, unlike claim 1, Marks does not disclose or suggest determining an overall execution progress value for a parent task based upon the execution progress of that parent task and the execution progress of at least one separate child task spawned by that parent task. As argued above, Marks is concerned with determining the execution progress of a single task. Marks says nothing about a parent task spawning a child task that is separate from the parent task. Marks also says nothing about monitoring the execution progress of such a child task. That being case, it should come as no surprise that Marks also does not teach or suggest determining an overall execution progress value for a parent task based at least partially upon the execution progress of a separate child task. This aspect of claim 1 is clearly not disclosed or suggested by Marks.

In rejecting claim 1 (and claim 2, the limitations of which have now been incorporated into claim 1), the Examiner contended that the limitations of the claim(s) are inherently (but not explicitly) taught by Marks. Specifically, the Examiner interpreted the "whole" task of Marks to be the parent task of claim 1, and each stage of progress in the execution of the task of Marks to be each child task of claim 1. In addition, the Examiner asserted that a parent task is inherently a separate task from each of the child tasks. Based upon this interpretation and assertion, the Examiner concluded that Marks inherently taught the method of amended claim 1. Applicant strongly disagrees.

The Examiner's rationale cannot withstand scrutiny. As argued by the Examiner, each stage of progress in the task of Marks is a child task and the overall task itself is the parent task.

In addition, according to the Examiner, each child task is inherently a separate task from the parent task. Under this logic, each stage of progress in the task of Marks would have to be separate from the task itself. This makes no logical sense. Execution of the task is made up of the various stages of progress. Rather than being separate from the task, the stages of progress are part of and integral to the task. Asserting that the stages of progress of the task are separate from the task itself would be akin to saying that the rooms that make up a house are separate from the house. This is nonsensical. The rooms may be separate from each other, but they are clearly not separate from the house. To the contrary, they are part of and make up the house.

As demonstrated by the above argument, the various stages of progress in Marks (interpreted by the Examiner to be the child tasks) cannot be reasonably interpreted to be separate from the task itself (interpreted by the Examiner to be the parent task). Thus, unlike claim 1 in which the parent task and the child task are explicitly recited as being separate tasks, the stages of progress in Marks and the task in Marks are not separate; thus, even under the Examiner's rather liberal interpretation, Marks does not disclose or suggest at least this limitation of claim 1.

For the reasons set forth above, Applicant submits that claim 1, as amended, is patentable over Marks.

Applicant further submits that claims 4-8, which depend from claim 1, and which recite further advantageous aspects of the invention, are likewise patentable over Marks for at least the reasons given above in connection with claim 1.

Claim 9

Claim 9 is a machine-readable storage medium counterpart of method claim 1. Applicant submits that claim 9 is patentable over Marks for at least the reasons given above in connection with claim 1.

Applicant further submits that claims 12-16, which depend from claim 9, and which recite further advantageous aspects of the invention, are likewise patentable over Marks for at least the reasons given above in connection with claim 9.

Claim 17

Claim 17 is an apparatus counterpart of method claim 1. Applicant submits that claim 17 is patentable over Marks for at least the reasons given above in connection with claim 1.

Applicant further submits that claims 20-24, which depend from claim 17, and which recite further advantageous aspects of the invention, are likewise patentable over Marks for at least the reasons given above in connection with claim 17.

Claim 25

Claim 25 is a method claim which has been amended in a manner similar to that of claim 1. Applicant submits that claim 25 is patentable over Marks for at least the reasons given above in connection with claim 1.

Applicant further submits that claim 26, which depends from claim 25, and which recites further advantageous aspects of the invention, is likewise patentable over Marks for at least the reasons given above in connection with claim 25.

Claim 28

Claim 28 is a machine-readable storage medium counterpart of method claim 25. Applicant submits that claim 28 is patentable over Marks for at least the reasons given above in connection with claim 25.

Applicant further submits that claim 29, which depends from claim 28, and which recites further advantageous aspects of the invention, is likewise patentable over Marks for at least the reasons given above in connection with claim 28.

Claim 31

Claim 31 is an apparatus counterpart of method claim 25. Applicant submits that claim 31 is patentable over Marks for at least the reasons given above in connection with claim 25.

Applicant further submits that claim 32, which depends from claim 31, and which recites further advantageous aspects of the invention, is likewise patentable over Marks for at least the reasons given above in connection with claim 31.

CLAIM REJECTION – 35 U.S.C. §102

In the Office Action, the Examiner rejected claims 1-33 under 35 U.S.C. §102(b) as being anticipated by Brown (US 2003/0005022). Claims 2-3, 10-11, and 18-19 have been canceled. With regard to the remaining claims, this rejection is respectfully traversed.

Claim 1

Claim 1, as amended, recites:

A machine-implemented method, comprising:
 monitoring execution progress of a parent task and one or more child tasks, wherein the one or more child tasks are spawned by the parent task and execute concurrently with the parent task, and wherein each of the child tasks is a separate task from the parent task;
determining an overall execution progress value for the parent task, wherein the overall execution progress value is determined based, at least partially, upon execution progress of the parent task and execution progress of at least one of the child tasks; and
causing an indication of the overall execution progress value to be displayed to a user.
 (Emphasis added)

As indicated by the underlining, a noteworthy aspect of claim 1 is that an overall execution progress value is determined for the parent task. Another noteworthy aspect of claim 1 is that an indication of this overall execution progress value is caused to be displayed to a user. Brown fails to disclose or suggest at least these aspects of claim 1.

As shown in Fig. 1 of Brown, a job (e.g. upgrade 102, backup 104, computation 106, etc.) may be made up of a plurality of steps 114 (see also paragraph 0020 of Brown). As the job executes, the progress made in the various steps 114 is shown to a user in the form of a progress report. Thus, with the user interface of Brown, the job (which Applicant believes is being interpreted by the Examiner as the parent task) is broken down into steps (which Applicant believes is being interpreted by the Examiner as the child tasks), and the progress made in each of the steps is shown to the user.

A point to note regarding Brown is that, unlike the method of claim 1, no overall execution progress value is ever determined for the parent task (i.e. the job). An execution progress value is determined for the steps of the job (this can be seen in Fig. 1 of Brown), but no overall execution progress value is ever determined for the job itself. Thus, unlike claim 1, Brown does not disclose or suggest determining an overall execution progress value for the parent task. Also, unlike claim 1, no indication of this overall execution progress value is caused to be displayed to a user. Since Brown does not determine this overall execution progress value for the parent task, it follows that Brown also does not cause an indication of this overall execution progress value to be displayed to the user. Because Brown fails to disclose or suggest at least these aspects of claim 1, Applicant submits that claim 1 is patentable over Brown.

Applicant further submits that claims 4-8, which depend from claim 1, and which recite further advantageous aspects of the invention, are likewise patentable over Brown for at least the reasons given above in connection with claim 1.

Claim 9

Claim 9 is a machine-readable storage medium counterpart of method claim 1. Applicant submits that claim 9 is patentable over Brown for at least the reasons given above in connection with claim 1.

Applicant further submits that claims 12-16, which depend from claim 9, and which recite further advantageous aspects of the invention, are likewise patentable over Brown for at least the reasons given above in connection with claim 9.

Claim 17

Claim 17 is an apparatus counterpart of method claim 1. Applicant submits that claim 17 is patentable over Brown for at least the reasons given above in connection with claim 1.

Applicant further submits that claims 20-24, which depend from claim 17, and which recite further advantageous aspects of the invention, are likewise patentable over Brown for at least the reasons given above in connection with claim 17.

Claim 25

Claim 25 is a method claim which has limitations similar to those argued above in connection with claim 1. Applicant submits that claim 25 is patentable over Brown for at least the reasons given above in connection with claim 1.

Applicant further submits that claims 26 and 27, which depend from claim 25, and which recite further advantageous aspects of the invention, are likewise patentable over Brown for at least the reasons given above in connection with claim 25.

Claim 28

Claim 28 is a machine-readable storage medium counterpart of method claim 25. Applicant submits that claim 28 is patentable over Brown for at least the reasons given above in connection with claim 25.

Applicant further submits that claims 29 and 30, which depend from claim 28, and which recite further advantageous aspects of the invention, are likewise patentable over Brown for at least the reasons given above in connection with claim 28.

Claim 31

Claim 31 is an apparatus counterpart of method claim 25. Applicant submits that claim 31 is patentable over Brown for at least the reasons given above in connection with claim 25.

Applicant further submits that claims 32 and 33, which depend from claim 31, and which recite further advantageous aspects of the invention, are likewise patentable over Brown for at least the reasons given above in connection with claim 31.

CONCLUSION

For the foregoing reasons, Applicant submits that all of the pending claims are patentable over the art of record, including any art cited but not applied. Accordingly, allowance of all of the pending claims is hereby respectfully solicited.

The Examiner is invited to telephone the undersigned at (408) 414-1080 to discuss any issues that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

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